



DUMFRIES, VIRGINIA

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DUMFRIES TOWN COUNCIL REGULAR SESSION MINUTES OCTOBER 11, 2011, 7:00 PM

Present: Mayor Yohey, Vice-Mayor West, Councilors Barr, Foreman, Forrester, Jurgensen, Toney

Others Present: Daniel Taber, *Town Manager*; Christine Sanders, *Town Attorney*; Chief Forker, *Interim Chief of Police*; Greg Tkac, *Dir. of Public Works*; Richard West, *Asst. Director of Public Works*; Debi Sandlin, *Dir. of Community & Economic Development*; David Moss, *Zoning Administrator*; Cydney Neville, *Director of Community Services*; Retta Ladd, *Deputy Town Clerk*; Teresa Johnson, *IT Manager* and approximately 17 citizens.

Mayor Yohey called the meeting to order at 7:05 PM.

The invocation was addressed with a moment of silence; followed by the Pledge of Allegiance.

Mr. Taber stated he would like to amend the agenda by adding **6.a. Brief statement from Senator Puller** and making the item currently on the agenda **6.b. Presentation-Potomac Landfill Update**.

Council Lady Barr moved to amend the agenda by adding **6.a. Brief statement from Senator Puller**, seconded by Vice-Mayor West, ayes: Forrester, West, Toney, Foreman, Barr, Jurgensen, Yohey, motion carried.

CITIZEN COMMENTS

Kate Shifflett, Image Church, 17650 Possum Point Road, stated they have an event coming up this weekend, October 15, 2011, called **I-Walk**. The walk is to benefit ACTS of Prince William County, to help families in need. The walk will start at 9:00am in Merchant Park and from 10:00am to 2:00pm there will be a family festival at the park. Ms. Shifflett stated more info can be obtained at www.iwalkforacts.com.

Council Lady Jurgensen asked the length of the walk. Ms. Shifflett state 2.25 miles.

MAYOR'S COMMENTS

Mayor Yohey announced the passing of former Mayor, Mel Bray's wife. Mayor Yohey also stated that Thelma McGlothlin, a long time Dumfries resident, is "under the weather."

PRESENTATIONS

a. **Brief statement from Senator Puller** – Senator Puller stated it was a delight to be here. Senator Puller stated she graduated from Mary Washington College (when it was an all girl school) and was the first woman graduate from MWC to be in the General Assembly.

Senator Puller stated she was in the House of Delegates since 1992 and has been in the Senate since 2000. Senator Puller stated she started the “Wounded Warrior” program and initiated “Ashley’s Law.” Senator Puller stated the Commonwealth of Virginia is a well managed state.

Mayor Yohey thanked Senator Puller for her comments and wished her luck on election day.

b. **Potomac Landfill Update** – Mr. Taber stated this is on the agenda due to the odor related complaints received in the last few weeks. Mr. Taber stated he thought it would be useful for both the Council and citizens to hear from Potomac Landfill on what they have been doing. Mr. Taber stated he would like Mr. Tkac to start the discussion and then turn it over to the Potomac Landfill representative.

Mr. Tkac stated he has contacted Potomac Landfill, Prince William County Service Authority (PWCSA) and DEQ and they are collectively working together to identify the exact cause, and to see how they can be more pro-active in the future with regard to the citizens and the nuisance of the odor, and that information will be forth coming. Mr. Tkac stated DEQ has oversight of the landfill and PWCSA has oversight of what the landfill omits into the sewer system.

Mayor Yohey asked Mr. Tkac to let the public know what DEQ stands for. Mr. Tkac stated DEQ stands for Department of Environmental Quality and they are the regulatory department over the landfill.

Mr. Burwin Reed stated he joined the landfill in 2003 and DEQ followed him with a sniffer a week later, and he was introduced to H2S in December 2003. Mr. Reed stated DEQ implemented a regulatory odor management plan that they follow and the plan requires inspections three times a day, seven days a week. Mr. Reed stated the amount of rain we’ve had, along with the earthquake and hurricane has impacted the landfill and overwhelmed their system.

Mr. Reed stated the landfill uses environmentally friendly chemicals, they don’t mask the odors, they identify, treat and eliminate the odors.

Mr. Reed stated that PWCSA discharged 100,000 + gallons of water when doing some maintenance on their water tank, which only added to the already saturated ground.

Mr. Reed stated Governor McDonnell’s initiative has named Prince William County a disaster area. Mayor Yohey asked Mr. Reed how does someone find out if they are eligible for assistance. Mr. Reed stated he doesn’t know.

Mr. Taber advised the Mayor that staff will get the information and get it out to the citizens.

Council Lady Barr stated the water tower discharge should have been staged.

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PRESENTATIONS (cont)

b. **Potomac Landfill Update** – Mr. Reed stated it was supposed to have been staged; however a contractor put a hole in the bottom of the water tank and of course that compounded the problems.

Council Lady Barr asked Mr. Reed if they have ever considered covering the landfill with a tarp, as they do in Florida.

Mr. Reed stated the cost would be enormous for forty acres; but they have used tarps before but not the entire forty acres. Mr. Reed stated they prefer dirt as a covering and DEQ requires them to cover all new fill at the end of each week.

Council Lady Barr stated the landfill could tarp the problem areas and she's sure they know where the problem areas are. Council Lady Barr stated the smell is getting worse and is lasting weeks beyond the rain.

Mayor Yohey stated if tarps are used what good do they do. Mr. Reed stated tarps give a good run off; they would just have to control the run off.

Council Lady Jurgensen asked Mr. Reed why the air seems worse at night and early morning.

Mr. Reed stated the vapor is more likely to settle in low areas kind of like fog and it is cooler at night and early morning.

Council Lady Jurgensen asked if there is a phone number citizens can call about the odor.

Mr. Reed gave the phone number, (703) 690-6040 or 6000, and stated it is on the towns' website as well.

Council Lady Jurgensen asked the name of the odor they smell.

Mr. Reed stated it is Hydrogen Sulfide (H₂S), and there are other things that generate H₂S, vehicles; unused drains (sink, shower, toilets, etc.) in homes that dry out and will cause the odor.

Council Lady Jurgensen stated that is good information for public awareness, if you have drains you don't use regularly, to turn the water on every so often so the drain doesn't dry out.

Councilman Toney asked what is the landfill doing, what activities.

Mr. Reed stated they are a construction debris landfill and they mine.

Councilman Toney asked if they are a recycling facility.

Mr. Reed stated yes, since 2001; however they haven't mined in the last sixty (60) days.

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PRESENTATIONS (cont)

b. **Potomac Landfill Update** – Councilman Toney asked who granted the recycling permit. Mr. Reed stated DEQ. Mr. Reed stated they have permits to landfill, mine and recycle.

Councilman Toney thanked Mr. Reed for coming and speaking to Council on the issue.

Mayor Yohey asked Mr. Taber if staff had any further comments.

Mr. Taber stated the town and staff will continue to look at the issue and explore whatever potential solutions are out there that the town can pursue to help eliminate the odor problem.

Council Lady Jurgensen asked Mr. Taber if it is possible to have DEQ and PWCSA come and speak to Council.

Mr. Taber stated it is something he will certainly look into, and because of the nature of the discussion tonight concerning the odors, PWCSA was not interested in coming tonight. Mr. Taber stated the discussion is certainly not over and he would like to review the history of the landfill that Councilman Toney brought up tonight; however he believes the key to resolution of this issue is to keep an ongoing, open dialogue.

Councilman Foreman stated as a citizen he toured the landfill and asked Mr. Reed if tours are still available.

Mr. Reed stated yes; however they prefer groups.

Councilman Toney stated the town hired experts years ago to inspect and inform the town about the workings of the landfill. Councilman Toney stated he could tour the landfill but as a lay person would not know if things were as they should be.

Council Lady Forrester stated she would like to thank the landfill for saying they have problems and are taking responsibility.

STAFF REPORTS

Town Manager – Mr. Taber stated his report has been provided. Mr. Taber introduced Cydny Neville, the new Community Services Director. Ms. Neville highlighted some programs and events she has forthcoming. Mr. Taber stated that next month Ms. Neville will begin giving a monthly report.

Mr. Taber stated the agenda information is on the website, as well as at Town Hall. Mr. Taber highlighted a few things from his report, to include grants and zoning enforcement. Mr. Taber stated the days of “no follow up” on zoning violations are over.

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STAFF REPORTS (cont)

Town Manager – Councilman Foreman stated it is a great report and had a question regarding the **Flooding and High Water Related Issues**, which Mr. Taber reported on. Councilman Foreman asked Mr. Taber if had received any calls from homeowners regarding loss of land from the flooding and high water.

Mr. Taber stated he received calls from homeowners with water issues, but nothing about loss of land. Mr. Taber asked Mr. Tkac if he feels he has any comments he would like to make.

Mr. Tkac stated it is a situation that Public Works has been working very hard on. Mr. Tkac stated two years ago there was a grant through the Department of Agriculture, wherein the town contacted 40 property owners who were affected by high water related issues; applications were filled out for all 40 property owners and the town was ready to dedicate an easement to the Department of Agriculture in turn for rehabilitating these properties, unfortunately it was not a successful situation.

Mr. Tkac stated they are always looking for opportunities to obtain monies and to work with private property owners to improve the stream that's running through their property. Mr. Tkac stated he strongly encourages property owners whose land abuts Quantico Creek to seek ways to protect their property.

Mr. Taber advised Councilman Foreman, as Council is aware, the town has a great resource with the background and skills of stormwater management with the hiring of Mr. Richard West and he thinks that over the next six months the Council can bank on seeing an analysis done of what the issues truly are and from that analysis will come a plan.

Councilman Foreman stated concerning enforcement of zoning violations, there have been discussions where business place their wares outside and are told they are in violation, while others are allowed to display their wares outside. Councilman Foreman stated his question is how is it decided what can be placed on the outside of a business?

Mr. Taber stated one of the issues is it's hard to talk in generalities because there is some many different variations of what occurs in a business use. Mr. Taber stated one of the plans, Mr. Moss plans on doing is to visit all existing businesses and make sure there is total understanding of the operations they are currently doing, what they've done in the past, and what operations they can and cannot do.

Mr. Taber stated his philosophy is to interpret the zoning ordinances as they are written, understand the historical prospective as well and make sure the tenants as well as the property owners truly understand exactly what they can do. Mr. Taber stated he knows Council is going to get tired of hearing this, but it is a process that is going to take time, but there is a plan in place.

Mayor Yohey asked Mr. Taber about the grants received.

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STAFF REPORTS (cont)

Town Manager - Mr. Taber stated the town received a Litter Control Grant; Wal-Mart Foundation Grant; DMV Grant; and the CDBG has been applied for.

Councilman Foreman stated there is a \$2,000.00 Wal-Mart grant in the budget. Mr. Taber stated the \$2,000.00 grant in the budget is for "Christmas in Dumfries"; the additional grant, Ms. Neville applied for and received, is for community based youth programs, in the amount of \$5,000.00.

Vice-Mayor West stated she would like to welcome Ms. Neville and thanked her for the wonderful job she did at the senior luncheon.

Chief of Police – Interim Chief Forker stated his report was provided. Interim Chief Forker stated he would like to introduce a new Officer, Michael Fink and administer the Oath of Office, which he did.

Officer Fink stated he is glad to be here.

Mayor Yohey welcomed Officer Fink to the town.

Vice-Mayor West asked Officer Fink what year he graduated from Potomac. Officer Fink stated 2000.

Director of Public Works – Mr. Tkac stated his report was provided. Mr. Tkac stated he would like to introduce Mr. Richard West, the new Assistant Director of Public Works. Mr. Tkac stated Mr. West comes to the town having worked for Orange and Spotsylvania County.

Mr. West stated he is glad to be here and looks forward to working with all.

Vice-Mayor West stated she would like to add that they are not related.

Vice-Mayor West asked Mr. Tkac if the new pipe installation and reestablishing flow channels between Grayson Village and Tripoli Heights subdivision been taken care of.

Mr. Tkac stated yes.

Council Lady Barr asked if the town has a SWM map that over lays the town map. Mr. Tkac stated they have a SWM map; but not one that over lays the town map.

Councilman Toney asked about the "School Zone" signs. Mr. Tkac stated they have been ordered and will be put up as soon as they get them in.

Councilman Toney asked for an update on the Ginn Park plan to close the well and septic systems.

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STAFF REPORTS (cont)

Director of Public Works – Mr. Tkac stated they have received the prescription from the County for removal of the well and septic systems, but have not received bids from the contractors at this time, but expect to have the work completed in the near future.

Director of Community & Economic Development – Ms. Sandlin stated her report was provided. Ms. Sandlin highlighted the upcoming events; Fall Festival (10-22-11), Government Contractors Job Expo (10-26-11) and the Holiday Parade (12-10-11).

Council Lady Barr asked when the Comprehensive Plan is going to be presented to the Planning Commission.

Ms. Sandlin stated the Planning Commission will review next Monday night and they plan on presenting it to Council in November.

Council Lady Barr asked Ms. Sandlin if the meeting could be attended by the committee participants who worked on the Comp Plan.

Ms. Sandlin stated absolutely, she will send out an email to everyone. Ms. Sandlin stated she would like to do a resolution and have them recognized at a Council meeting in the future.

Council Lady Jurgensen stated performers are needed for the fall festival and asked Ms. Sandlin to speak on that. Council Lady Jurgensen stated she would like to thank Old Mine Ranch for doing a pumpkin patch for the children.

Ms. Sandlin thanked Council Lady Jurgensen for bringing that up, Old Mine Ranch has graciously offered to do a pumpkin patch, where children can paint a pumpkin; a moon bounce has been sponsored; there will be face painting and there will actually be a “kid’s corner” set up.

Ms. Sandlin stated there is a talent competition planned and they are still seeking performers, so if anyone knows of any talented individuals please send them her way.

Councilman Toney asked Ms. Sandlin to comment on what the prizes will be.

Ms. Sandlin stated the winners in each category will receive a \$500.00 gift card.

Councilman Foreman stated he visited a new business on Route 1 and asked them why they didn’t put up a “Grand Opening” banner; he was told that the temporary “Grand Opening” banner cost \$75.00 for thirty days as opposed to the permanent sign costing \$35.00. Councilman Foreman stated the town needs to look into reducing the permit fee for banner signs.

Councilman Foreman stated he would like to know what revenue has been generated from banner fees.

Mayor Yohey asked if it was doable.

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STAFF REPORTS (cont)

Director of Community & Economic Development – Mr. Taber stated he sees no reason why it can't be done.

Mayor Yohey asked Ms. Sandlin about the antique show that Two Guy Antiques and HDV is hosting the same day.

Ms. Sandlin stated when she heard of the event, because they originally wanted to use the community center, she offered for them to host it as a joint venture and have it marketed with the Fall Festival; however they decided to use Dumfries United Methodist Church and did not want their event to be marketed with the towns Fall Festival.

ADOPTION OF CONSENT AGENDA

Vice-Mayor West moved for adoption of consent agenda, seconded by Council Lady Barr.

Council Lady Forrester stated in the September 20, 2011 minutes she read where Councilman Toney had concern about a discussion among Council that he wasn't a part of, and she just wanted to comment that she wasn't contacted either.

Council Lady Forrester stated she did get to speak with Pastor Grier thru email, she was out of town when his email came and she had Tracy Cox re-send her email, for some reason she did not receive it originally.

Vote: ayes: Jurgensen, Barr, Foreman, Toney, West, Forrester, Yohey, motion carried.

DISCUSSION ITEM

a. Discuss equalization rate purpose/history and discuss grant monies in the annual operating budget – Councilman Foreman provided a spread sheet handout, which included FY07 through FY11 budget vs actual and FY12 budgeted that included grant monies.

Councilman Foreman also discussed the real estate tax equalization rate and provided on the spread sheet was real estate taxes from FY07 through FY11 budget vs actual and FY12 budgeted.

(The FY07 through FY12 budgeted and actual numbers were provided by the Treasurer; all additional information was provided by Councilman Foreman.)

Councilman Foreman stated the FY12 budget, is the second highest adopted budget since FY09, and during the next budget cycle it needs to be looked at.

Council Lady Barr stated Councilman Foreman's statement is not true, there were other revenue streams that were not taken into consideration when doing the spreadsheet, like the monies for Tripoli Heights and other road projects, which is around \$400,000.00.

DISCUSSION ITEM (cont)

a. Discuss equalization rate purpose/history and discuss grant monies in the annual operating budget – Council Lady Barr stated she thinks there should be a separate budget for grants and other matching revenue funds. Council Lady Barr stated she appreciates Councilman Foreman's work and will keep it for next budget cycle.

Council Lady Forrester stated Council Lady Barr made an excellent point on other revenue streams; however that wasn't the issue here or the point Councilman Foreman was trying to make. Council Lady Forrester stated what she heard was Councilman Foreman making a point about the equalization rate, a rate that should have leveled the amount of real estate taxes being paid by the residents, but actually they are paying more than they were originally.

Council Lady Forrester stated the equalization rate, which has nothing to do with the revenue stream, which is important, it moves the town forward and they should continue to do, has absolutely nothing to do with the fact that the equalization rate is not an equalization rate, but just a higher tax rate. Council Lady Forrester stated she would like to thank Councilman Foreman for his work on this spread sheet.

Councilman Foreman stated he welcomes continued dialogue on the budget, continued dialogue on the excel spread sheet. Councilman Foreman stated he welcomes any Council person to challenge him on these numbers. Councilman Foreman stated if this fiscal year is the lowest budget, fine, let us use this as the starting document and build on it.

Councilman Foreman stated he would like to keep it on the agenda, talk about it once a month, build a spreadsheet and push forward.

Council Lady Barr stated her final comment, if you look at the FY12 budgeted revenue from real estate taxes it is **\$953,129.00**; FY08 was **\$938,089.00**, not a significant difference.

Council Lady Jurgensen thanked Councilman Foreman for the document and stated she wants to keep an eye on the debt service.

Councilman Foreman stated he would like to keep it on the agenda and get input. Councilman Foreman stated the information was provided to all Council members the same time he received it.

Mr. Taber asked Councilman Foreman if he wants input from staff.

Councilman Foreman stated he wants to see Council Lady Barr's numbers.

Vice-Mayor West stated they need to move forward with the agenda.

Councilman Foreman advised Vice-Mayor West that it is a discussion item and it is being discussed; however he is finished talking.

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INFORMATION ITEM

a. **Update on collection of delinquent real estate taxes and sanitation fees** – Mr. Taber reviewed the update with Council regarding what has been done concerning delinquencies of real estate taxes and sanitation fees.

Mayor Yohey made a comment that the town needs to publicize the names of the delinquent property owners.

b. **Video recording of Planning Commission; BZA; and ARB public hearings and meetings where cases are discussed** – Ms. Sanders stated this information item is for Council to consider the recording of Planning Commission, BZA and ARB public hearings and meetings where cases are discussed.

Councilman Toney asked if the issue had been discussed with the members of the boards.

Ms. Sanders stated the Planning Commission and BZA has been made aware, by discussion with Mr. Moss.

Ms. Sandlin stated the issue has not been discussed with the ARB as yet.

Ms. Sanders stated the purpose of the recording of the public hearings and meeting were cases are discussed would be for accuracy.

Mayor Yohey stated Council can get input from the boards, but they don't need their permission to initiate this action.

Councilman Toney stated he was asking if it had been discussed with the boards, as a matter of courtesy.

Mr. Taber stated it is an information item, the boards will be contacted and the issue will be brought up at the next meeting.

Ms. Sanders stated she strongly encourages electronic records.

Council Lady Forrester stated she agrees with Councilman Toney, out of courtesy, it should be discussed with the boards and committees; however she also agrees with Mayor Yohey, that Council does not need the boards or committees permission; the meetings are open to the public.

Council Lady Barr stated she doesn't see a problem; and the Planning Commission, BZA and ARB should not have a problem. Council Lady Barr stated she sees the need for recording, not necessarily televised.

Ms. Sanders stated the recordings would be only for public hearings and meetings where cases are discussed.

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INFORMATION ITEM (cont)

b. Video recording of Planning Commission; BZA; and ARB public hearings and meetings where cases are discussed –Vice-Mayor West stated it is good information; she agrees with the Town Attorney and Council Lady Barr; she agrees with the recording.

ACTION ITEMS

a. Nominate current BZA members for reappointment; Bette Begley and Milton Webb.

Mayor Yohey asked the Clerk to read the action item, which she did. Mr. Moss reviewed his memo with Council, stating staff's recommendation is to re-nominate existing members.

Council Lady Forrester moved to nominate the current BZA members for reappointment, Bette Begley and Milton Webb, seconded by Councilman Toney, ayes: Jurgensen, Barr, Foreman, Toney, West, Forrester, Yohey, motion carried.

b. Consider a CUP for tire sales and installation, light mechanical service, emissions and safety inspections, and the office for a towing company (no tow trucks or vehicle storage onsite) at 17286 Dumfries Road, B-1, General Business District.

Mayor Yohey asked the Clerk to read the action item, which she did.

Vice-Mayor West stated this is a proposed five (5) year CUP, who keeps track and checks on the CUP's issued.

Mr. Moss stated it is on town staff to keep check; however the legal responsibility is on the property owner. Mr. Moss stated the zoning map should show all properties with CUP's and that is something he is working on. Mr. Moss stated he is in the process of going through files and identifying where CUP's already exist.

Mayor Yohey asked what is enforceable if an applicant doesn't comply with the conditions of a CUP.

Mr. Moss stated a violation notice would be issued, if violation not corrected, they would go to court and the town could revoke the CUP.

Councilman Foreman asked if modifications are being done to the building.

Mr. Moss stated yes, there will be some modifications to include fire walls.

Vice-Mayor West moved to issue the CUP subject to conditions as outlined in staff report, seconded by Council Lady Barr, ayes: Jurgensen, Barr, Toney, West, Forrester, Yohey; nays: Foreman, motion carried.

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COUNCIL COMMENTS

Council Lady Forrester had no comments.

Vice-Mayor West stated she attended the VML Conference as well as the Mayor/Vice-Mayor Institute. Vice-Mayor West stated there were a lot of shared ideas and the overall conference was very nice.

Councilman Toney had no comments.

Councilman Foreman had no comments.

Council Lady Barr stated she would like to congratulate Vice-Mayor West for being nominated and appointed, as Vice-Chair, to the Town Section Committee of VML. Council Lady Barr stated the VML Conference was very informative, with a lot of good information from other towns.

Council Lady Jurgensen had no comments.

Vice-Mayor West stated VML puts out a legislative packet; she would like the town to look at it and support it.

CLOSED SESSION

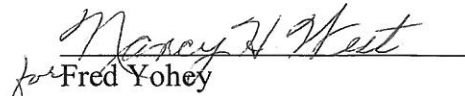
Vice-Mayor West moved to enter closed session under Virginia Code § 2.2-3771A (1) Personnel; Selection of Chief of Police; Evaluation of Director of Economic & Community Development and Virginia Code § 2.2-3711A (7) Possible Litigation; collections of delinquent real estate taxes and sanitation fees, seconded by Council Lady Barr, ayes: Forrester, West, Toney, Foreman, Barr, Jurgensen, Yohey, motion carried.

Minutes submitted by

Approved by



Retta Ladd
Deputy Town Clerk/Treasurer


for Fred Yohey
Mayor

CLOSED SESSION (cont)

Vice-Mayor West moved to enter open session and read certification of closed session, seconded by Councilman Toney, all ayes motion carried.

Council Lady Forrester moved to hire Robert Forker pursuant to terms of contract as presented in closed session, seconded by Council Lady Barr, all ayes motion carried.

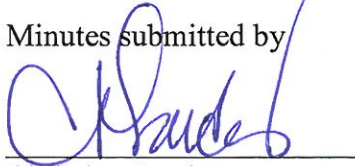
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ADJOURN

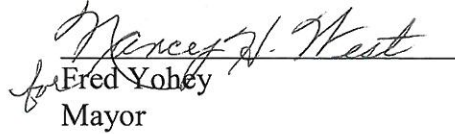
Councilman Toney moved to adjourn, seconded by Council Lady Barr, all ayes motion carried.

Minutes submitted by



Christine Sanders
Town Attorney

Approved by



for Fred Yohney
Mayor